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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,079	12/22/2001	Gagan L. Choudhury	Ramaswami 2001-0324	8208
7590		11/21/2005	EXAMINER	
Henry T. Brendzel		TON, DANG T		
P.O. Box 574		ART UNIT		
Springfield, NJ 07081		PAPER NUMBER		
		2666		

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/026,079	Applicant(s) CHOUDHURY ET AL.	
	Examiner DANG T. TON	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. Claims 1-4 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 4, " the and element" has no antecedent basis.

Claim 9 is vague and indefinite because it is not known the metes and bounds of the claimed invention.

Claims 2-4 are rejected since they depend from claim 1.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Dail et al. (5,570,355).

For claims 1-4, Dail et al. disclose a method/apparatus enabling synchronous transfer mode and packet mode access for multiple services on a broadband communication network comprising :

in response to one of the terminals requesting a call set-up, employing the enhanced signaling channels to communicate call set-up information (see column 3 lines 30-34 and lines 52-64); and  
setting up a call for the one of the terminals, when conditions on the communication channels permit (see column 3 lines 52-64) ;  
further comprising a step of congestion control, interposed between the step of employing and the step of setting up (see box 2001 in figure 2);  
where the step of congestion drops an established call from one of the communication channels in order to create conditions that permit setting up the call by the step of setting up (see box 2001 in figure 2); and  
where the enhanced signaling channels carry at least some audible signals in the step of employing (see column 2 lines 61-63).

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dail et al. in view of Born et al. (6,404,887).

For Claims 5-30, Dail et al. disclose all the subject matter of the claimed invention with the exception of off hook condition, dial tone, dedicating signaling , and dial number in a communications network. Born et al. from the same or similar fields of endeavor teaches a provision of off hook condition, dial tone, dedicating signaling , and dial number (see column 8 lines 31-33, column 9 lines 5-11 and column 11 lines 62-68) . Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use off hook condition, dial tone, dedicating signaling , and dial number as taught by Born et al. in the communications network of Dail et al.

The off hook condition, dial tone, dedicating signaling , and dial number can be implemented/modified into the network of Dail et al. since Dail et al does teach voice telephone network. The motivation for using off hook condition, dial tone, dedicating signaling , and dial number as taught by Born et al. into the communications network of Dail et al. being that it detects off hook condition, dial tone, dedicating signaling , and dial number and provides security for the telephone system .

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 31,33, and 37-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Choudhury et al. (6,731,740).

For claims 31,33,and 37-38, Choudhury et al. disclose a method for preventing overload condition in a circuit switched arrangement comprising :

a plurality of terminals that are coupled to an HET terminal (see boxes 41-46 and 20 in figure 1);

a central office switch (see box 10 in figure 1), and

a path between the HET terminal and the central office that comprises a first plurality of communication channels, and a second plurality of dedicated signaling channels (see paths 51 and 52 in figure 1);

a first element serving a plurality of terminals;

a second element coupled to a communication network',

one or more out-of-band signaling channels between the first element and the second element (see column 13 lines 25-55),

where the out-of-band signaling channels, the plurality of communication channels, and the groups of enhanced signaling channels share a single physical transmission medium (see column 13 lines 25-55),

where the out-of-band signaling channels, the plurality of communication channels, and the groups of enhanced signaling channels are time-division multiplexed onto a single physical transmission medium (see mux box 22 in figure 7).

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choudhury et al.

For Claims 32 and 35-36, Choudhury et al. disclose all the subject matter of the claimed invention with the exception of subdividing each channel into two or more signaling channels ; the first elements being a concentrating element; and the terminals being grater in number than the number of the channels in a communications network. However, subdividing each channel into two or more signaling channels ; the first elements being a concentrating element; and the terminals being grater in number than



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the number of the channels are well-known in the art . Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the subdividing each channel into two or more signaling channels ; the first elements being a concentrating element; and the terminals being grater in number than the number of the channels in the communications network of Choudhury et al.

The subdividing each channel into two or more signaling channels ; the first elements being a concentrating element; and the terminals being grater in number than the number of the channels can be implemented/modified into the network of Choudhury et al. since the reference does teach the signaling channels. The motivation for subdividing each channel into two or more signaling channels ; the first elements being a concentrating element; and the terminals being grater in number than the number of the channels into the communications network of Choudhury et al. being that it provides signaling control the system and assigning bandwidth for the users.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaplan et al. (6,826,273) is cited to show system which is considered pertinent to the claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T. TON whose telephone number is 571-272-

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3171. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and  
Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Ton



DANG TON  
PRIMARY EXAMINER